

FILED

NOV 21 2018

Clerk, U.S. Courts
District Of Montana
Billings Division

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

Donald Tangwall, individually in his
Capacity as a Trustee of the Toni 1 Trust,

Plaintiff.

v.

Case No:

William Wacker, individually, jointly and
severally; and Barbara Wacker,
individually, jointly and severally,

Defendant (s).

COMPLAINT FOR QUIET TITLE

NOW COMES Donald Tangwall, individually in his capacity as a Trustee of the Toni 1 Trust,
and shows his complaint as follows:

I

JURISDICTION

1. Jurisdiction is based on diversity of citizenship. There is complete diversity between the Plaintiff and the Defendants as the Plaintiff is a resident of Alaska and the Defendants are residents of Montana. Per 28 USC 1332.

II

VENUE

2. Venue is proper with this Court as the property in question is entirely in the State of Montana.

III

PARTIES

PLAINTIFF

3. The Plaintiff, Donald Tangwall, is a resident of the State of Alaska whose address is PO Box 140118, Salcha, Alaska 99714.

DEFENDANTS

4. The Defendant William Wacker is a resident of the State of Montana whose address is 1014 Highway 87 North, Roundup, Montana 59072.
5. The Defendant Barbara Wacker is a resident of the State of Montana whose address is 1014 Highway 87 North, Roundup, Montana 59072.

IV

BACKGROUND

6. On May 7, 2012, the Defendants obtained a default judgment setting aside two parcels of property which were conveyed to the Toni 1 Trust on December 20, 2010 and recorded on February 25, 2011. See attached Exhibit A.
7. The Defendants did not name or serve a trustee of the Toni 1 Trust. See attached Exhibit A.

AGRUMENT

8. It is an undisputable fact that Donald Tangwall is a Trustee of the Toni 1 Trust. See Toni 1 Trust, By its Trustee Donald Tangwall v Wacker, 413 P. 3d 1199, Alaska 2018.
9. Donald Tangwall, Trustee of the Toni 1 Trust, was never named or served a copy of the compliant in Case No. DV-11-66 Montana Fourteenth Judicial District Court, Musselshell County. See attached Exhibit A.
10. Naming the Toni 1 Trust in its common name without naming a trustee is of no effect.

VI


CAUSE OF ACTION
QUIET TITLE

11. All previous paragraphs are incorporated by reference herein.
12. Having failed to name and to serve a trustee of the Toni 1 Trust as a party, the Montana Court was without personal jurisdiction over the Toni 1 Trust to enter judgment attached as Exhibit A.

VII

RELIEF

13. All previous paragraphs are incorporated by reference herein.
14. Judgment finding the judgment entered by the Montana Court, Case No. DV-11-66, attached as Exhibit A, to be null and void.
15. Judgment restoring Toni 1 Trust to its property.
16. Damages to be determined upon inspection of the properties.
17. Cost of this suit.
18. Interest.
19. Any other relief this Court deems just.



Donald Tangwall, Pro se
PO BOX 140118
Salcha, Alaska 99714
907-460-4745